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SUMMARY

Currently: Attorney At Law, Sole Practitioner
Construction Law

Past Experience: I have broken down my experience in Heavy/Highway construction by geographical region and I have provided examples of situations I had encountered during this time that led me to the development of my skills as negotiator and as a problem solver. I am providing this information in the hope that this will persuade you to give me the opportunity help you in mediating your claim.

Geographical Experience:

- Sacramento and Central Valley, CA, 2 years
 - Employer: George Reed, Inc.
 - Work Experience:
 - As Senior Estimator was responsible for preparation and submission of bid documents on projects related to General Engineering
 - As Project Manager was responsible for all facets of construction, cradle to grave, including preparing CPM schedules, preparing construction budgets, scheduling of work forces, attending all meetings, negotiating change orders, and final project close-out.
 - Experience in Claims Resolutions: I was responsible for negotiating several claims that arose as a dispute between the agency and the contractor involving interpretation of plans, specifications and general provisions related to scope of work that was actually performed. These claims in every case were amicably resolved with win-win results.
 - Caltrans Project – Overlay Highway 99 near Marysville. This project involved constructing an asphalt overlay along a 12 mile stretch of Highway 99 near Marysville north of Sacramento. The construction required placing the asphalt in several lifts. Each lift required temporary striping. This item of work was contracted to a striping subcontractor. This item of work was to be paid for under the bid item described as "Temporary Striping". Upon the completion of each lift the subcontractor provided an invoice for the work done under this contract item. Finally, upon completion of the project, the total quantity far exceeded the bid quantity and Caltrans refused to pay indicating that this item was for final temporary striping and not for the striping done for each lift. The amount in controversy exceeded \$300,000. I contacted the subcontractor and diligently worked with him in presenting and defending his claim. Caltrans agreed that the language in the contract was ambiguous and an amicable compromise was reached by all parties at the RE level.
 - City of Galt Overlay Project. This project involved overlaying several streets located throughout the City of Galt. The schedule that was submitted and approved by the City for construction was subsequently severely restricted and altered by the City with little or no notification to the contractor. The City initially took the position that it had a contractual right to unilaterally modify the schedule for its own benefit. It turned out there was a market day that occurred

periodically in the City which required that access to Main Street, one of the streets earmarked for construction. I filed a claim against the City for the economic effect of this abrupt unilateral action by the City. The City manager upon hearing both sides ruled in favor of the contractor and awarded all of the money damages. This resolution resulted without requiring any legal action and was resolved amicably.

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- Los Angeles Area (LA County, Ventura County, Orange County, San Diego County) 2 years
 - Employer: Calmat Materials (now Vulcan Materials)
 - Work Experience: District Manager of Construction Division
 - Managed Construction Division consisting of 5 exempt employees including 3 estimators, 1 contract administrator, 1 accountant and approximately 100 operating engineers. We had 10 full paving operations located within 5 counties. We placed approximately 600,000 tons of asphalt in one year.
 - Duties included establishing a Construction Division in which I negotiated a separate union agreement with the operating engineers for my department allowing me to participate in the AGC agreement which was separate from the general disenfranchised situation that was occurring between the operating engineers and the Materials Division.
 - Experience in Claims Resolutions: I successfully managed amicable resolutions to several claims between various agencies and the Construction Division. In particular, a dispute arose between a utility contractor and the Construction Division concerning the language of a Rental Agreement. After 3 days of my being deposed, the contractor dropped his law suit and agreed to pay all related costs.
- Long Beach Area
 - Employer: Excel Paving
 - Work Experience: Senior Estimator/Project Manager
 - Experience in Claims Resolutions
 - I was part of the team that estimated and project managed a \$34 million dollar construction project referred to as Pier T Marine Terminal Container Storage Facility. My primary duty as project manager was to establish and implement a system of tracking document flow between the owner's engineer and the contractor. My duties also included managing all RFIs, material submittals, material procurement, change order requests, attending all meetings and producing a meeting log, plotting time impacts on the CPM schedule and mapping out conflicts well in advance of their occurrence with the goal of minimizing adverse impacts to the schedule and either immediately resolving claims or properly documenting the claims for future resolution.
- Riverside and Imperial Counties (Palm Springs, Indio, El Centro, Yuma Border) 2 years
 - Employer: Granite Construction
 - Work Experience: Senior Estimator/Project Manager
 - Experience in Claims Resolutions:
 - While acting as Project Manager for a project with the Coachella Valley Water District, I successfully utilized my skills as a CPM scheduler to properly manage many scheduling challenging on a heavily vertically stacked project. I developed a direct line of communication with the agents of the Water Authority and communicated with them all of the potential conflicts well in advance of actual construction. This provided an opportunity to negotiate the resolution of these conflicts such that these conflicts did not result in undue delay.

- Project Particulars: The project involved the construction of concrete channel lining along the banks of the Whitewater River. This channel ran directly through a major resort area and time was of the essence. The project consisted of constructing this project in several stages with each stage involving removing and storing live queen and king palm trees, deep earthwork excavations, storing the excavated material, grading the channel slopes, tying and placing reinforcing steel into mats, placing concrete on the slopes by utilizing a modified roller screed, providing and maintaining haul roads for ingress and egress of earthwork equipment and concrete ready mixed trucks, providing staging areas for tying and placing the reinforcing steel mats utilizing cranes. Once the construction was completed on a stage, construction would begin on the next stage while restoration of the site was occurring on the original stage. Restoration involved hauling, placing and compacting excavated material, restoring landscaping and replanting trees and restoring the golf course features including sheet piling of tee boxes and greens. During the course of construction, future staging areas were mapped and staked well in advance of construction and analyzed for all potential conflicts. These conflicts were openly shared with the Owner and a mutual resolution was decided well in advance of construction, thereby incurring no construction delays. During the construction of this project I learned the very important value of developing and maintaining an open, honest dialogue between the contractor and the agency.
- San Diego County (San Diego from Mexican Border to and including Camp Pendleton) 15 years
 - Employer: Hanson Sim J. Harris (now Coffman Specialties, Inc.)
 - Work Experience: Estimator/project manager and promoted to Chief Estimator.
 - Experience in Claims Resolutions:
 - One of the projects in which I was the estimator and project manager involved constructing an asphalt overlay on Vandergrift Boulevard located on Camp Pendleton. The overall project was divided into two sections. We were awarded the first section and another contractor was awarded the second section. Typical at that time for Navy Government contracts was that the contract awarded on a lump sum basis. Also, typical of these contracts, the contractor was responsible for its own QC. Inspired by my manager's insistence on honesty and diligence in performing QC, I developed and maintained a thorough QC program throughout construction. Upon completion of both sections the Navy abruptly decided to take representative core sample from both sections and found our section in compliance with the thickness requirement in every core, however, the other contractor was not so fortunate. As a result of this achievement, the company developed a reputation for trustworthiness and honesty.
 - Approximately a year later, the levy broke on the San Louis Rey River causing a great deal of devastation to many areas of Camp Pendleton. Late Friday while on the way home from work I received a phone call from the ROIC office requesting that I attend an emergency meeting at Camp Pendleton. Attending this meeting was the Base Commander, personnel from the Pentagon and various local ROIC officers. I was informed at this meeting that several areas of Camp Pendleton were devastated and that at that time numerous personnel were not accounted for. We were requested to provide round the clock equipment and operators dispatched as dictated by the unfolding emergency situation. The Base Commander indicated to me that we were selected because of our reputation for honesty and that in this situation the "government was opening their checkbook". We provided round the clock support with front end loaders, motor graders, backhoes, dozers and excavators for about 10 days. The Navy positioned clerks located in tents and during this time I provided the

clerks with timely information regarding types of equipment utilized, location and number of laborers so that there was proper documentation for payment.

Education:

- Juris Doctor, Humphreys School of Law, Stockton, CA
- Bachelor of Arts, University of Colorado at Boulder
- Bachelor of Science, Civil Engineering, University of Colorado At Denver (completed 3.5 years)

Certificates/ Licenses

- Registered with the California Bar Association, #296604
- United States Tax Court
- United States District Court for the Eastern District of California
- All courts in the State of California
- Certified Concrete Technologist